

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LUMINATI NETWORKS LTD.

Plaintiff,

v.

NETNUT LTD.

Defendant.

Case No. 2:20-CV-00188-JRG

**UNOPPOSED MOTION TO MOVE TRIAL DATE
AND AMEND DOCKET CONTROL ORDER**

Defendant NetNut Ltd. (“NetNut”) respectfully requests the Court to move the current trial date of November 1, 2021 in the Docket Control Order entered by the Court (Dkt. 41) 30 days after that date or the first available trial date thereafter.

The current deadline set by the Court for jury selection in this case is November 1, 2021. Lead counsel for NetNut has a previously set trial date in a matter currently pending in the District of Delaware (*Shure Incorporated and Shure Acquisition Holdings, Inc. v. ClearOne, Inc.*, 1:19-cv-01343-RGA-CJB) that conflicts with the presently set jury selection in the instant case, and counsel believes that the District of Delaware case is likely to proceed to trial. Counsel for NetNut has conferred with counsel for Plaintiff, and Plaintiff is not opposed to the relief requested herein.

For all of the foregoing reasons, NetNut respectfully requests the Court to move the trial date 30 days or at the Court’s earliest available trial date after that time and amend the current Docket Control Order (Dkt. 41) as follows:

Current Deadline	Proposed Deadline	Event
November 1, 2021	_____, 2021	*Jury Selection – 9:00 a.m. in Marshall, Texas
October 4, 2021		* If a juror questionnaire is to be used, an editable (in Microsoft Word format) questionnaire shall be jointly submitted to the Deputy Clerk in Charge by this date. ¹
September 27, 2021		*Pretrial Conference – 9:00 a.m. in Marshall, Texas before Judge Roy Payne
September 20, 2021		*Notify Court of Agreements Reached During Meet and Confer The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
September 20, 2021		*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions <i>in Limine</i> , Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations
September 13, 2021		*File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shawn McRoberts, at shawn_mcroberts@txed.uscourts.gov.

¹ The Parties are referred to the Court's Standing Order Regarding Use of Juror Questionnaires in Advance of *Voir Dire*.

September 7, 2021		File Motions <i>in Limine</i> The parties shall limit their motions <i>in limine</i> to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.
September 7, 2021		Serve Objections to Rebuttal Pretrial Disclosures
August 30, 2021		Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures

(*) indicates a deadline that cannot be changed without showing good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

WHEREFORE, Defendant respectfully prays that the trial date be moved 30 days after November 1, 2021 or to the earliest available trial date after that time. A proposed order, including a complete Amended Docket Control Order reflecting this change, is filed herewith.

Dated: August 18, 2021

By: /s/ Eric H. Findlay
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***Attorneys For Defendant
NetNut Ltd.***

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Plaintiff met and conferred with counsel for Defendant, on August 17, 2021. Counsel for Plaintiff is unopposed to the relief requested in this motion.

/s/ Eric H. Findlay
Eric H. Findlay

CERTIFICATE OF SERVICE

This is to certify that on August 18, 2021, all counsel of record were served with the foregoing document *via* CM-ECF and electronic mail.

/s/ Eric H. Findlay
Eric H. Findlay